

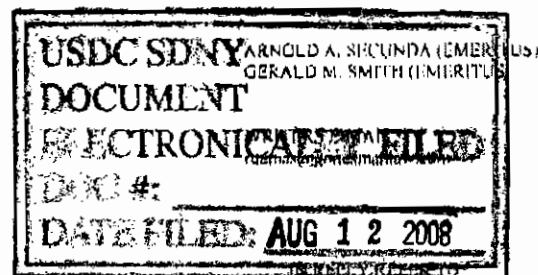
GOTTESMAN, WOLGEL, MALAM?, FLYNN & WEINBERG, P.C.

A Professional Corporation Incorporated in the State of New York

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August 5, 2008

VIA FACSIMILE (212-805-0426)

Hon. Laura T. Swain
United States District Court
- Southern District of New York
500 Pearl Street
New York, NY 10007-1312

MEMO ENDORSED

Re: United States Small Business Administration as Receiver for Coqui
Capital Partners, L.P. v. Coqui Management, LLC, et al.
Case No.: 08-0978 (LTS) (THK)
United States District Court for the Southern District of New York

Dear Hon. Swain:

This office is local counsel for the United States Small Business Administration as Receiver for Coqui Capital Partners, L.P. (the "Receiver") in the above referenced case. We write to request an extension of time for the Receiver to serve the summons and amended complaint upon defendant Howard Pearl.

Prior to making this request, I wrote to Gary Hoppe, Esq., counsel for defendant Michael Grisanti and Donald Zakarin, Esq. counsel for all but four of defendants (those four defendants being Michael Grisanti, Silver Lining Corp., Club Side Holdings, Inc. and Howard Pearl). Both counsel responded and stated they had no objection to my application for an extension of time to serve defendant Howard Pearl.

F.R.C.P. Rule 4(m) requires that a summons and complaint be served within 120 after the complaint is filed and that the court – on motion or on its own after notice to the plaintiff – dismiss the action without prejudice against that defendant or order that service be made within a specified time. See F.R.C.P. Rule 4(m). This subdivision does not apply to service in a foreign country under Rule 4(f) or 4(j)(1). See F.R.C.P. Rule 4(m). The summons and complaint were filed on January 31, 2008.

This office, to F.R.C.P. Rule 4(f) and the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (more commonly referred to as the "Hague Convention"), at his then known last address in Ontario Canada. The documents required to be served (the Summons and Complaint, the Individual Practices of Judge Laura Swain, the 3rd Amended Instructions for Filing an

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Electronic Case or Appeal, Procedures for Electronic Case Filing and the Guidelines for Electronic Case Filing) were forwarded to the Ministry for the Attorney General for Ontario Reciprocity Office: Civil Law Division in March 2008.

This office received a response from the Ministry for the Attorney General for Ontario dated June 4, 2008 and received by this office on June 10, 2008, advising that service could not be effected upon defendant Howard Pearl as he was not at that address. By this point, our time to serve Defendant Howard Pearl had expired (May 30, 2008).

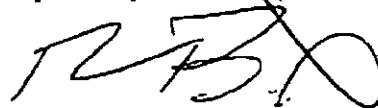
Immediately thereafter, we initiated a search and located defendant Howard Pearl, who is working for Rhino Outdoor International Inc. and residing in Henderson, Nevada.

The statute of limitations has not expired. There is no prejudice to the other defendants. Further, the other defendants have either consented or have no objection to this application. Respectfully it would more cost effective in judicial time and resources to extend the time to serve rather than require the filing of a separate lawsuit, service of the summons and complaint and motion that may follow to consolidate.

For the aforementioned reasons, we request that the Court issue an order extending the Plaintiff's time to serve the summons and amended complaint (and other required documents) upon Howard Pearl for one hundred and twenty (120) days and directing the Clerk of the Court to issue a new summons.

request
granted
jts

Respectfully submitted,



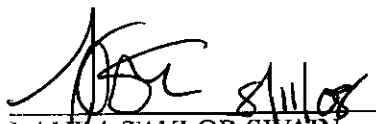
Richard B. Demas

RBD:dr

cc: Pryor Cashman, LLP
410 Park Avenue
New York, N.Y. 10022
Attn: Donald Zakarin, Esq.

Twomey, Hoppe & Gallanty LLP
757 Third Avenue, 7th Floor
New York, N.Y. 10017
Attn: Gary Hoppe, Esq.

SO ORDERED.


LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE